

State Of Washington
Department Of Ecology
Shorelands and Environmental Assistance Program

Coastal Zone Management
Section 306, 306A, 309 and 6217 Grant

Federal Fiscal Year 2001
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Section "A"

Performance Report
For the period July 1, 2001 through December 31, 2001

1ST Semi-Annual Report

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Washington Shorelands & Environmental Assistance Program
FFY 2001 Coastal Zone Management Grant
Sections 306/306A/309/6217

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Chapter 1 -- Section 306/306A

Task 1.1 Coastal Zone Management

Coastal Zone Management Grants to Locals

See Local Government Grant Chart attached

Routine Program Changes

Public notice was completed on November 19, 2001 for our previous RPC approved by NOAA January 12, 2001 which consisted of 1) a revised and updated Coastal Zone Management Program document; 2) the deletion of the Environmental Coordination and Procedures Act (ECPA) as an enforceable policy; and 3) the deletion of the Transport of Petroleum Products-Financial Responsibility Act as an enforceable policy.

Filing RPCs of state approved Shoreline Management Master Program Amendments has been on hold awaiting NOAA's development of a process that will meet ESA requirements.

Coastal Planners Meetings

During the second half of 2001 two Coastal Planners Group meetings were convened. The summer 2001 meeting was held August 23, 2001 on the subject River and Floodplain Restoration Sites: Green River, King County, Washington. The meeting was conducted as a tour of eight sites. Thirty-six persons attended the meeting. Presentations and questions centered largely on two themes: the technical aspects of designing and constructing the restoration sites, including permitting under the Endangered Species Act, and the allied land use issues including the acquisition of easements to enable the set-back levee design technique. Most of the sites were in the lower Green River Valley urban area which presents substantial design challenges for riparian restoration. One of the particular design features of the set-back levee technique that provoked a good measure of discussion was the way in which the lower levee bench, if properly situated for elevation, could function as a "surrogate flood plain" and the value of that type of feature in habitat restoration.

The autumn 2001 meeting was held October 25, 2001 on the subject Puget Sound Nearshore Habitats. The meeting was held at the US Army Corps of Engineers Seattle District Office in Seattle; the Corps donated the use of their auditorium. Sixty-three persons attended the meeting.

The questions and discussion items centered around these broad themes:

- clarification of uncertainties and perceptions of permitting requirements, especially those of the Department of the Army Permit, and permit application review under the Endangered Species Act by the federal services;
- the development and application of "programmatic" Department of the Army Permit conditions for common projects, how they will be applied, and how these conditions of approval might be "borrowed" by other permitting systems;

- the state-of-the-knowledge on nearshore habitats — what we know and what we don't know, and how to use and apply this information in both planning and permitting situations; and
- the remaining dilemma that we still don't have all the technical information we'd like to have regarding cumulative effects of development projects on nearshore habitats.

Assessing Marine Habitat under the New SMA

The status of the Washington Shoreline Master Program Guidelines has shifted the emphasis of this project away from a specific salmonid focus towards a broader marine shoreline habitat characterization. The first step in conducting this assessment is the compiling and formatting existing data. This has been the focus of the effort from July through December '01. The Shorezone Inventory available from WA DNR, the drift cell geomorphological data and the shoreline survey data from the SouthWest Washington Coastal Erosion Study are the core data sets being processed and analyzed. In addition habitat information is available from the Chehalis Watershed Habitat Assessment and the Grays Harbor County South Coastal Flood Hazard management plan. The second phase of this project now in process involves development and application of the marine habitat characterization method.

Online Coastal Information and Education

During the past four months, a GIS needs assessment was completed for Pacific and Gray's Harbor Counties, the Washington State Parks & Recreation Commission and the Southwest Washington Coastal Erosion Study. Meetings were held with staff from each of the jurisdictions or agencies, and follow up correspondence occurred via telephone and e-mail. The meetings were held to discuss how GIS data from the Southwest Washington Coastal Erosion Study might be useful for local planning applications. A final report was prepared to document the results of the past four month's efforts, and includes a proposed course of action to deliver products that address the needs of southwest Washington's coastal communities. This work was carried out under our FFY-00 Grant. Future work will be carried out and reported under this Grant section..

WaterWeeks

Washington WaterWeeks took place in September 2001. Brochures were printed and distributed as well as a website www.waterwwks.org. A copy of the Web page is attached.

Information Newsletter

Fall 2001 Newsletter "Confluence" published. See attached copy

Coastal Air Photo Monitoring

Section 306 funds were not used from NA17OZ1143 during this timeframe because NA07OZ0137 funds were being used.

Task 1.2 Shoreline Management

Shoreline Permits

See Table 1 & 2 in Section B

The NWRO has had several Conditional Use and Variances on Bainbridge Island that have been very controversial because of their locations in critical areas. Four are noted here;

1. To build a stairway down a very steep slope. It will be affixed to the sheer face of a cliff and all footings will be landward of the OHWM. Many conditions should minimize its appearance on the face of the slope and make it pretty safe, but it is about 90 ft. high, so it's pretty treacherous.
2. To build a house on a very small lot on a sand spit. It was appealed at the local level and the applicant prevailed, partially because everyone opposing him was farther out on the beach than his proposal. The redesigned house will be up on stilts to allow tidal flow in under it. It does have a bulkhead, which was originally built on the then-empty lot to protect the property next door during storms. It is that next door neighbor who appealed his permit application.
3. Is an area of lots that were platted in 1906, used for both commercial and residential purposes, and are now being proposed for improvement and subdivision. Much of the proposed work, including clearing vegetation in shoreline areas, was done without City review or permits. They retroactively applied for shoreline and other permits under a Code enforcement order, Ecology approved the permit (SDP) and it is now being appealed to the SHB.
4. Another controversial project is one that involves a disagreement about the location of the OHWM, which Ecology put at the toe of a slope which is proposed to be bullheaded for protection of the slope and existing single family home. The applicant's agent put it at the MHHW and it is about 5 ft. waterward of the slope, so the new bulkhead would be out on the beach and would allow a great quantity of fill to be put in behind it. The WDFW wrote their HPA supporting the Ecology OHWM and the HPW is now being appealed. Ecology has not received a shoreline permit on this.

Compliance and Enforcement

See Table 3 in Section B

The Compliance Workgroup (CWG) continues to meet monthly and discuss current enforcement, appeals and permit decisions, as well as the policy issues involved in those decisions.

The CWG completed its second year of compliance monitoring of twenty-five percent of Ecology permits (variances and conditional use permits). This initial data suggests a rather high degree of compliance with permit conditions. (see attached graphs)



8-31-00 Summary
graphs 2000 mo...



11-20-01 SMA
monitored Permit ...



1-20-01 Regional
Comparisons...

The CWG has been working with Tim Gates to assemble a SEA Program website for technical assistance. The target audience includes local government administrators, state natural resource staff and members of the general public. While the site in the development phase, it is available only to Ecology staff, but our intention is to make it available sometime this year on the internet.

City of Sultan – continue to actively work with the City's consultants to develop an acceptable compensatory wetland mitigation plan, as required in a previous Ecology enforcement letter.

Pillon/May Creek violation- SEA coordinated with WQ staff in the investigation of an unpermitted creek dredging operation in May Creek, King County, which resulted in issuance of a Notice of Violation. SEA & WQ are continuing to pursue enforcement action and eventual restoration of the riparian areas, including removal of wetland fill.

Shoreline Master Program Review

See Table 4 in Section B

City of Gig Harbor – This project is a comprehensive amendment of the SMP. The City has conducted resource agency and public involvement meetings in support of the first draft SMP goals and policies. The detailed shoreline inventory and environmental assessment is moving toward completion. This is a FY 02 CZM grant project.

City of Sumner - This project is a comprehensive amendment of the SMP. The City has completed preparation of a detailed shoreline inventory and a draft SMP. The City has requested review and comment by federal resource agencies of the inventory and draft SMP. The final draft SMP is scheduled for adoption in 2002. This is a FY01 and FY 02 CZM grant project.

City of Port Townsend - This project is a comprehensive amendment of the SMP. The City has completed the preliminary draft of the shoreline inventory and environmental analysis. The City anticipates applying for a CZM grant to develop the new SMP during FY 03. This is a FY 02 CZM grant project.

Wahkiakum County – This project is to develop a shoreline atlas for the County's use in planning and other regulatory activities. The atlas will include a series of maps and overlays that graphically depict the available scientific and other inventory information for Wahkiakum shorelines. The County is currently working on the shoreline inventory. This is a FY 02 CZM grant project.

Whatcom County – Ecology has been working with the County on a final Cherry Point Management Area amendment for the County

City of Bellingham – This project is a complete draft rewrite of the City's SMP

City of Everson – This project is a complete draft rewrite of the City's SMP,

City of Ferndale – This project is a complete final rewrite of the City's SMP.

San Juan County - Finalized amendment regarding appeal issues raised from the 1998 comprehensive rewrite. The subdivision of land in all rural shoreline areas and rural area densities within shoreline jurisdiction where the major SMP issues.

San Juan County - An amendment creating a shoreline environment *Marine Protection Areas* has been submitted for approval.

Town of Woodway - A comprehensive rewrite of their shoreline master program has been submitted for approval.

City of Everett - Still working on the City's comprehensive rewrite of its shoreline master program.

City of Mukilteo – Ecology received a copy of their draft SMP for review and comment. They appear to be running a little behind schedule but are trying hard to get back on track and finish the new SMP within their CZM contract period.

City of Monroe – The City, also a CZM grant recipient, is currently preparing a shoreline inventory as the first step in preparing a new SMP.

Town of LaConner – The Town's revised SMP became effective on October 19, 2001, the day on which the Town Council approved Ecology-required changes. Somewhat miraculously, the amendments were not appealed to the Growth Management Hearings Board as we had anticipated they would be. Very divisive process between two Town "factions"!

City of Langley – The City's new SMP became effective on July 24, 2001, the day on which the City Council approved Ecology-required changes. This was a very non-controversial process and no appeals were expected or received.

City of Bainbridge Island - Completing shoreline inventory, developing steering committee, agency notification list, and timeline for completion of SMP Revision. I have been providing guidance regarding Ecology's review criteria and a process to follow despite the November 2000 Guideline's appeal and negotiations.

City of Port Orchard - Awarded CZM grant to develop and revise shoreline inventory. Have hired a consultant who is currently gathering information. City has named a technical advisory committee to provide input to their process.

City of Seattle - Convened Steering Committee in June, 2001 and have moved forward with assessing the current SMP for areas of needed clarification and change. The City will be revising the entire SMP, but submitted a minor amendment in December, 2001 which addresses some development regulations regarding environments near Lake Union. They seem to have slowed their pace of revision while waiting for the Guidelines outcome.

Kitsap County - They are using "Interim Guidelines" for shoreline development which are under the category of an administrative decision (Director's Interpretation) Although they are more protective than what the County had used previously, they still have not adopted these and taken them out for public comment, something I want them to do, along with their new, CZM Grant developed maps, but they are also waiting for an outcome to the negotiations or legal process.

City of Bremerton - NWRO nominated this community to Tim Gates for the SMP Pilot Project because of its size and diversity. They really need to rewrite their SMP more than any other community I work with because the inherent conflicts in the designations and regulations lead to much litigation there.

Task 1.3 Wetlands Management

Wetlands Technical Assistance

Lake Issues

Our wetlands group has been involved in lake issues on two fronts during this period:

1. We have been reviewing literature and becoming involved in decisions to permit the use of herbicides for the control of aquatic vegetation within lakes. Aquatic vegetation that lake owner communities are trying to control include but are not limited to noxious weeds; communities also are in the habit of regularly using herbicides to control native aquatic vegetation ("nuisance weeds") that impede swimming and boating access and maneuverability--that is, habitat characteristic uses are often given the position of second fiddle to recreational uses. The goal of our involvement is to ensure that wetland functions within these vegetated portions of lakes are recognized and that maintenance of recreational uses does not compromise the other characteristic uses of lakes. Some specific projects within this category are:

- **Lake Tahuyeh—Denial of Aquatic Herbicide Permit**

Ecology's Northwest Regional Water Quality Program had decided to deny the request of the Lake Tahuyeh Community Club to treat aquatic bed vegetation with herbicides this summer. The lake has been treated with Glyphosate every year between 1997 (at least) and 2000. Our Wetland Specialist wrote up a discussion of long-term adverse impacts to aquatic invertebrates and invertebrate communities from herbicide-treatment of aquatic plants, to help defend Ecology's position to deny this permit request.

- **Ecological Effects of Herbicide Treatment within Lakes**

Several members of the Wetlands Group (TAG) have been charged with reviewing the literature and writing a white paper discussing the long term impacts to lake ecosystems from continued application of herbicides. This project has began, with a compilation and review of some of the literature related to the effects upon invertebrates, insects, and higher animals from herbicide applications, plant community alterations, and other chemical stressors.

Also, Ecology has convened an advisory group to write an NPDES permit for the use of herbicides to control noxious and nuisance "weeds" in lakes (required in response to the "Talent Decision"). We are participating in this advisory group. Our intention is for the white paper to provide information to be referred to during this permit development process.

2. In the Wetland Section of our program's 2001-2002 Work Plan, we committed to developing a process to identify and list lakes which should be considered Shorelines of the State, but which were unintentionally overlooked during initial listing and writing of WAC 173-20. Many such lakes are regarded as wetlands and are occluded with emergent vegetation, or have large emergent-vegetated components. But, yet, these areas also meet the definition of a shoreline lake as defined in the WAC: being depressions in the landscape or expanded parts of rivers, greater than 20 acres, with standing water, within an ordinary high water mark. We have begun drafting this process and are searching for other funding sources in order to commit staff to the office and field review needed to identify these lakes. There are several impending projects for which this lake listing process will have direct application. Some of these are:

- ***Rex Lake***

Rex Lake is not listed as a Shoreline Lake in either WAC 173-20 or the Mason County Shoreline Master Program. Wolcott (Lakes of Washington) identifies this wetland system as being a shallow lake varying in size from 10 to 28 acres. It is within 200 feet of the proposed McEwan Prairie Sand and Gravel Mine. In our comments on the Draft EIS for the McEwan Prairie Mine, we had raised concern that Rex Lake may in fact be a shoreline. If it is, the current proposal for the surface mine would require a Shoreline Conditional Use permit. We visited the site with the landowner and the County's environmental planner. We concluded that all of the wetland—which is dominated with *Spirea douglasii*--appears to be below the ordinary high water mark. We began to GPS the OHWM along the edge of the lake, to determine the area that is bounded by the OHWM. This work has yet to be concluded. However, the Mining Company has stated their intentions to revise the mining footprint so that they stay 200 feet from the ordinary high water mark of Rex Lake, regardless of its shoreline status.

- **CMC Heartland Development, City of Fife**

The oxbow wetland (an old oxbow of the Puyallup River, prior to its channelization) is about 60 acres in surface area and has standing water. The area of seasonal or permanent standing water may not include all of the wetland and is not known at this time. Identification of the oxbow as a shoreline lake will have shoreline permit and review ramifications for the proposed (167 acre) development .

Technical Assistance and Permitting

King County Bog Restoration Permitted – Ecology staff worked with King County to expeditiously review plans for a bog restoration in the Cedar River basin. Bog restoration is still experimental; however, since these natural resources are irreplaceable, the county will attempt to restore the hydrology on a 6-acre remnant portion of an historic 33-acre bog that was mined for peat. A geomembrane and an earthen berm will be used to stop the loss of water from the face of the mined bog.

City of Renton, Oakesdale Avenue – Ecology staff worked intensively with the City to formulate an adequate wetland mitigation plan for this road widening project while still meeting a tight timeline. The 401 Certification requires the removal of an abandoned roadbed that currently severs a Category 2 wetland adjacent to Springbrook Creek.

Inn Services Northwest – proposal was denied due to an incomplete mitigation package; proposal was for 0.27 acres of wetland fill adjacent to the Sammamish River in the City of Bothell for construction of a B & B.

SR 509- performed site visit of proposed impacted wetlands and mitigation site (restoration); reviewed and commented on wetlands portion of the PDEIS

Snohomish County Parks & Recreation – continuing to work with applicant to locate an acceptable wetland mitigation site; proposal is for 4.27 acres of wetland fill for the construction of a 10.1-mile multi-use trail.

Translake Washington project- have attended 2-3 interagency coordination meetings for the 520 road expansion proposal; sensitive areas include Lake Washington-associated wetlands and the restored Bear Creek riparian zone immediately north of highway 520.

The Overlake Fund – permit issued for 0.82 acres of wetland fill in the City of Bellevue, north of Mercer Slough, for the construction of a hotel.

Bremerton-Kitsap Co. Health District –provided monitoring review comments for the Pope & Talbot wetland restoration project, required by the county as part of a past enforcement action.

City of Sammamish- provided technical assistance on many occasions in determining the OHWM along Lake Sammamish and supplying site specific OHWM field training for city staff.

City of Arlington- provided technical assistance to city for wetland delineation verification

Kitsap County, Port Orchard- provided technical assistance on various occasions in determining the OHWM along Puget Sound

Iuliano, Mason County -- The Mason County Wetland Code Enforcement planner requested assistance in determining whether wetlands existed on property owned by shellfish grower Ernesto Iuliano, in North Bay, near Allyn. Iuliano has been bringing in gravel fill material to build up an access road into this 2-acre shoreline parcel. He uses this access road **to move** shellfish out of the tidelands. We concluded and wrote in a letter to the County that it appears that all of the property is likely wetland—and certainly the portion of the property under the gravel fill is wetland. This letter was followed with an e-mail communication stating that this forested wetland may be a mature forested

wetland—and therefore a category I wetland, or is in the least a category II wetland. We cautioned that any further disturbance of wetlands on this parcel would require approval from the Corps of Engineers and Ecology and would be subject to Shoreline Management Act review and permitting.

South Hill Village, City of Puyallup -- Wal-Mart is proposing to fill about 2 acres of isolated wetland in the highly developed South Hill Area. They have received a jurisdictional letter from the U.S. Army Corps of Engineers stating that this wetland is not in Corps jurisdiction. Our Permit Assistance Center sent a letter informing the applicant, their attorney (Alison Moss), their wetlands consultant, and the City of Puyallup of the need for a 90.48 Administrative Order from Ecology. Habitat Technologies had identified a site at the confluence of Clark's Creek (a shoreline of the state) and Meeker Ditch, within the Puyallup valley, for mitigation. The proposed mitigation entailed purchase and preservation of this existing grazed/hayed wetland and enhancement. Enhancement measures would have included planting trees and shrubs, planting the east bank of Clark's Creek along this property, and excavating off-channel salmon rearing ponds. We visited the impact site and the proposed mitigation site with all parties on December 11. To their dismay, we told the City and the proponents that while this looked like an excellent enhancement project, it would not be sufficient to fully compensate for the loss of 2 acres of isolated depressional wetlands in the South Hill area and that in addition to this preservation/enhancement project, they would need to create or restore 2 acres of wetlands, preferably in the Puyallup South Hill area, in order for Ecology to approve the proposed wetland fill.

Westport Golf Course -- Perry Lund, Jeffree Stewart, and a host of others have been working on the Links at Half Moon Bay project proposed for Westport, WA. In June the City of Westport issued a Conditional Use Permit and Substantial Development Permit for the project which includes impacts to over 30 acres of interdunal wetlands. Ecology staff and management made the decision to appeal the SDP and deny the CUP. This decision was met with considerable distress by the applicant and their elected officials. Much of the month of August was spent in meetings with Legislators, the applicants and their representatives discussing how Ecology reached its decision and where to go next. All parties have agreed in principle to enter into a negotiation process. Ecology has significant concerns regarding the level of wetland impacts and the adequacy of the proposed mitigation. The project is not well defined and considerable more detail will have to be developed before permits can be approved. We will begin working through the issues immediately. After several months of negotiations, we are very close to reaching a settlement on all of the issues that have been raised during the appeal process. Settlement now will enable us to move ahead with the Shoreline approval only. There are many issues that will need to be developed in more detail before a final Section 401 Certification can be issued.

Aquatic Herbicides -- Perry Lund provided technical assistance to the Water Quality Program at a PCHB hearing on an appeal of an aquatic herbicide application permit. Perry provided testimony on the identification and ecology of state listed threatened and sensitive plants that were reported to be in the vicinity of a proposed application site on Elbow Lake in southeast Thurston County. The appeal questioned whether the protection

measures in the permit were necessary to protect these plants. We feel this is an important issue related to protecting near-shore wetland habitat when applying aquatic herbicides and are willing to support Water Quality in these efforts. There has been no ruling yet from the Board.

Habitat Restoration -- Perry Lund and Kim Van Zwalenburg met on site with Julie Henning of the Department of Fish and Wildlife to discuss a proposed restoration project near the mouth of the North River in Pacific County, WA. Under Nationwide Permit #27 (Restoration), WDFW is proposing to remove a failing tide-gate to restore a portion of diked tidal wetlands. However, the proposal also includes plans to install a cross-dike with a fish ladder to retain a portion of the site as fresh water wetlands. This aspect of the project has us evaluating the proposal and its consistency with NWP #27. This project is not a straightforward restoration project, which has made it difficult to evaluate. The total area is about 25 acres of which 12 acres would be restored to tidal wetland after a failing tide gate is removed. The remaining area would be contained behind a 4-foot berm with a fish ladder. The fish ladder also acts as a water-control device and would have to be opened and closed during the year to manage water for fish. Ecology is concerned about the long-term maintenance issues associated with the berm and a water-control device in the floodplain. Pacific County made a decision that an SMP exemption was not appropriate for this project; however, that decision was overturned by the Hearings Examiner. We asked WDFW to consider alternatives that would act as more passive water impoundment and would not require water level manipulation by the landowner, but these changes were not made. We determined that the language of the permit conditions was vague enough that we could not deny permit approval.

Columbia River Dredging -- Perry Lund, Kim Van Zwalenburg, and Gale Blomstrom have been meeting with the Corps of Engineers, the Ports and their representatives, and local government staff from affected jurisdictions to begin detailed discussions of the Shoreline permitting requirements for each jurisdiction. It has been clearly established that a Shoreline Permit will be required for each disposal site and most likely for the mitigation sites. There are ten disposal sites in Cowlitz County as well as both of the Washington mitigation sites. Cowlitz County will have the most issues to resolve. Ecology has consistently advised the Corps and the Ports in writing and in meetings, since April 1997, that it is essential they coordinate their activities with the local governments. These meetings are the beginning of that consolation process. The projected timeline of the Ports may not be possible given the need to obtain permits from each jurisdiction for each impact site. Some kind of phased permit application process may be possible. These meetings continue, with Clark County/Vancouver being next on the Agenda.

Coastal Habitat Land Swap -- Perry Lund and Kim Van Zwalenburg met with staff from the City of Long Beach, WDFW, EPA, and the USACOE to discuss the implications of a proposed land-swap between State Parks and Paul Christensen, a private developer. The Parks property consists of almost 50 acres and is directly adjacent to the City of Long Beach and the Pacific Ocean. The Christensen site is slightly more than 50 acres and is further south, adjacent to the north boundary of Fort Canby State Park. Both sites contain wetlands. Christensen is proposing a planned development in the City that

could include wetland impacts from 10 to 17 acres. The current proposal for the Christensen site includes wetland impacts of about 1 acre; nothing is proposed for the Parks' owned property adjacent to the City. Ecology is ambivalent about the proposal mostly as a result of not knowing what Parks intends on doing with the presently undeveloped site adjacent to Fort Canby.

Spartina Infestation -- Perry Lund spent a day with a whole lot of other people on the deck of Dick Sheldon's oyster boat, the Northern. The Oyster Growers, WSU, UW, the Willapa Alliance, and others sponsored an all-day tour of Willapa Bay from the water. This was a great opportunity to get a close-up look at a number of the issues facing the region – the Spartina invasion, ghost shrimp, waterfront development, water quality, etc. What is most apparent is how serious these problems are, as well as the number of seriously concerned people willing to try and solve the problems.

Ocean-Front Park Expansion -- Perry Lund and Kim Van Zwahlenburg continued to work with the Washington Parks Department on the proposed Grayland Beach State Park expansion. The Shoreline Substantial Development Permit was issued and filed. A number of wetland issues were not resolved to our (or the Corps) satisfaction through that process. We met with Parks planners and managers to begin to resolve the concerns related to the location of the access road through high quality wetlands and the adequacy of the proposed mitigation. Parks is committed to make every attempt to meet our needs and is actively working to find a solution.

Waste Water Reuse -- Perry Lund and Ann Boeholt met with Water Quality staff and representatives of Miller Brewing to discuss issues related to the reuse of the brewery's treated wastewater. Miller is considering a number of discharge alternatives to reduce or eliminate their discharge to the Deschutes River in Olympia, WA. They are considering water reuse options using constructed and/or natural wetlands in the vicinity of Pioneer Park in Tumwater and Briggs Village in Olympia. Miller is preparing a feasibility document as a first step.

Wetlands Function Assessment Project

No training workshops were conducted during this period. The last training workshop was in June, 2002 and no further training workshops are anticipated at this point. Staff continue to maintain the list server and to provide technical assistance to consultants and local governments who are using the function assessment methods.

Wetland Mitigation Banking

Ecology staff is developing and will adopt new regulations for the certification of wetland mitigation banks in Washington. Staff will also develop guidance for mitigation bank applicants on how to select and design an environmentally sound mitigation bank. Staff will provide early technical review of bank proposals and technical assistance to local governments on mitigation banking issues.

Wetland Mitigation Evaluation Project

The draft report on Phase 2 of the Wetland Mitigation Evaluation Project was peer reviewed in the summer/fall of 2001 and is being prepared for publication. Agency management was briefed on the findings of the study and a communication plan for informing the public and interested parties is being developed.

Wetlands Web Site

Due to various workload demands and limited funding, we will be unable to complete the wetlands web site as planned. Last year, the SEA Program hired a part-time web developer to create a web site on Washington's Outer Coast. The development of this site – writing, photography, graphic design, web coding, etc. -- has taken longer than planned, and we are using funding from the current award to complete this project. In addition, there are a variety of other coastal web-related duties that have been completed by the web-developer, including maintaining, updating, and promoting the Puget Sound Landslides, Puget Sound Shorelines, and Shorelands and Environmental Assistance Program sites.

Spencer Island Project

This is the second year of vegetation sampling to focus on colonizing community composition within the restored intertidal wetland areas on Spencer Island. Ecology contracted with Parametrix Consulting to obtain the services of Lucinda Tear as advisor on the wetland vegetation monitoring design and analysis. In July a week long field visit was conducted to gather plant species information for numerous plots in different community types across the restored site. Data entry was completed in the fall, and data analysis is expected in January. What is known at this time is that species identification has increased from 61 species last year to over 90 this year and the restored intertidal communities appear richer.

Wetland Restoration

The watershed characterization project and wetland restoration program continued to focus on integrating landscape-scale assessment of ecosystem processes into technical guidance for the Shoreline Management Rule. This included technical participation in the Guidance and Outreach Assistance Team to provide assistance to local jurisdictions in applying the concepts during the inventory and submittal stage of Shoreline planning. This has included review and analysis of the wetland protection, compensation and restoration policies of the Everett Shoreline Master Program (the plan conducted a landscape analysis of the estuarine and marine resources within and adjacent to the City). Additionally, have been assisting locals in an effort to reduce water quality impacts (fecal coliform) to Drayton Harbor by developing a restoration program for wetlands in the Drayton Harbor drainage. Work has begun on developing guidance materials on the integration of the concepts into other activities in the SEA Program, including Floodplain Planning, Watershed Planning, watershed assessment, wetland restoration and SEA Program regulatory activities (section 404/401 permits, shoreline permits). Continued participation in the development of a restoration plan for the Poortinga/Qwuloolt property in the Snohomish Estuary. Provided review of the preliminary Poortinga Qwuloolt

Technical Report which presented and analyzed (hydrological analysis) two options for breaching the existing dike on the property's Ebey Slough boundary.

Task 1.4 State Environmental Policy Act

See Table 8 Section B

Ecology staff provided technical assistance to local governments, other agencies, and the public on environmental review and SEPA implementation. Ecology also conducted training workshops for local and state agencies on rule interpretation and amendments in October and November 2001 at the following locations:

Lacey-- 70 attendees

Port Angeles--29 attendees

Tukwila-- 90 attendees

For information on SEPA documents acted on by the Agency for this reporting period see Section B Table 8.

Task 1.5 Federal Permitting
Clean Water Act Section 404 Review
See Table 6 in Section B

Federal Consistency Certifications

See Tables 5 & 7 in Section B

Again during this reporting period Southwest Regional staff as well as Headquarter staff dedicated a number of hours coordinating and working with the ACOE, Local Governments and other State Resource Agencies on the Columbia River Deepening Project.

Task 1.6 Padilla Bay Reserve

Estuarine Education and Information

Staff provided estuarine and watershed education to 136 groups with a total audience of 3,949 citizens. These include schools (K-12), youth groups, English as a Second Language (ESL) groups, wildlife managers (GLOBE), university and college classes, home schools, AmeriCorps members, environmental educators, citizen volunteers (Watershed Masters), and senior citizens.

Non-chemical *Spartina* Control and Monitoring in Padilla Bay

Control in 2001 consisted of digging and mowing. We did not spray as WSDA was unable to obtain the necessary permits. However, we were able to control all seed set in Padilla Bay and are down to less than a tenth acre of total *Spartina* in the bay. We have a little more work to do on Dike Island (it was our largest acreage), but the outlying infestations are small and easily dug now. We started work on an *S. anglica* infestation in Alice Bay (adjacent to north Padilla Bay) as Ecology owns 7 acres of land (including some tideflat) in Alice Bay. It was a cooperative effort with the County and WDFW. We controlled seed set in 2001 through mowing and digging.

Padilla Bay Research Assistantships

Donna Ball, "The effects of *Spartina alterniflora* eradication on localized sediment dynamics in Padilla Bay." The contract was sent to Donna for signature on 12/20/01. She has located sites in Padilla Bay for placement of Sediment-Erosion Tables and has obtained permission from property owners.

Brian Maricle, "Physiological assessments of vigor in Pacific estuary invaders: *Spartina alterniflora* and *Spartina anglica*." Brian has collected *Spartina* from North Puget Sound and Willapa Bay and is growing *Spartina* in a greenhouse at WSU. He is running enzyme assays and respiration/oxygen transport experiments and is setting up to do simulation mowing experiments.

Aerial Photos of Padilla Bay Eelgrasses

The photos were taken on July 23, 2001 during a -2.2 ft low tide. Higher altitude photos (at a scale of 1:36,000) could not be taken all summer because of clouds or haze on days with appropriate mid-day low tides. The color prints for the July 23 air photos have been received.

Chapter 2 -- Section 309

Task 2.1 Implementation of Legislative Changes to the Shoreline Management Act

Section 319 funds were not used from NA17OZ1143 during this timeframe because NA07OZ0137 funds were being used.

Chapter 3 -- Section 6217

Task 3.1 Managing Nonpoint Pollution in the Coastal Zone

Dairy Inspections and Monitoring

Water quality sampling since 1998 indicates that four of the five sub-basin watersheds and sample sites on the Nooksack River at the mouth and upriver to the town of Ferndale are currently meeting the TMDL targets for fecal coliform. Part of this improvement in water quality is attributed to the regular inspections and enforcement actions of the dairy inspection program as required under the Dairy Nutrient Management Act (90.64 RCW). We continue to use the Northwest Indian College's (NWIC) bimonthly fecal coliform monitoring program in the tributaries of the Nooksack River. This sampling allows us to focus inspections and enforcement in areas not meeting the TMDL targets for fecal coliform.

The Bellingham Field Office conducted 91 dairy inspections in this reporting period and completed the second round of dairy inspections in December 2001. The third round of follow-up inspections of all dairy facilities in Whatcom County is underway and is anticipated to be completed by 30 September 2002.

It is our intent to re-inspect all facilities regularly to ensure compliance with Washington State's Water Pollution Control Act (90.48 RCW) and to monitor the development and implementation of the Dairy Nutrient Management Plans (DNMP). All dairy producers are required to develop a DNMP by 1 July 2002 and implement these plans by 31 December 2003. Implementation of these plans is key to achieving compliance with Washington State's Water Pollution Control Act.

Performance Measures Not Achieved (if any)/Why:

The second round of inspections was not completed by the date anticipated due to training of a new dairy inspector to replace Mark Kaufman. The second round of inspections was completed in December 2001, having met the quota for this activity established by the Detailed Implementation Plan for the Nooksack River TMDL.

Forestry

Headquarters staff (Bresler) participated as a member of the Cooperative Monitoring, Evaluation and Research Committee (CMER), which directs the scientific adaptive management program adopted as part of the permanent forest practices rules. In the past six months, CMER has approved a proposed list of research projects for the upcoming year, reviewed project designs for several projects, and provided recommendations to the Forests and Fish policy group on how the adaptive management process should work.

During the past six months, SWRO staff (Schuett-Hames) worked on the following projects: Ecology lead for the Upper White River TMDL Project for Chinook/Bull Trout Habitat, implementation of temperature and redd studies in the Upper White Watershed; grant management for USGS contract for aerial multi-spectral imaging for the Upper

White River baseline monitoring program, participation on the Nisqually Salmon Habitat Recovery Committee, field sampling/monitoring support for bull trout recovery in the Skokomish Basin, in-house support for the SWRO Water Quality Section regarding fish and ESA questions, document review related to ESA and other aquatic issues for Ecology's SEPA review process, technical document review for Ecology contract reporting, and, participation on Ecology's Environmental Management System Review Team.

Forested Wetlands

Wetlands staff participated on the state Wetlands Scientific Advisory Group to address issues related to forested wetlands protection. Grant proposals were developed and submitted to Department of Natural Resources to conduct a comprehensive literature search of scientific information related to forested wetlands in the Pacific Northwest and to conduct a forested wetlands workshop to solicit input from forestry and wetlands scientists in the PNW. Both projects were approved for funding and a request for proposals from consultants is currently being developed. The project is anticipated to begin in the spring of 2002.

Wetlands staff in the regional offices provided technical assistance to Ecology's water quality staff and the Department of Natural Resources on forest practices applications for harvesting in forested wetlands including review of application materials and site visits.

Nisqually and Deschutes Watershed Protection

Staff, representing Ecology and other state agencies, attended monthly meetings of the Nisqually and Deschutes Planning Units as they proceed with development of watershed plans that address water resources, water quality, in stream flows and habitat. Plan development in each of the watersheds is on schedule, with completion projected for 2003.

Staff during this period coordinated cross program (Ecology) cross agency and Indian Tribe involvement in the watershed planning process. Coordination was through various meetings and phone contacts.

Staff continues to be involved in developing a state/local data-information management partnership relative to water rights processing and data management. The Deschutes Planning Unit has developed a GIS based prototype that uses aerial photos to determine status of surface water rights. This information gathered by Thurston County could be very useful to Ecology in addressing relinquishment of water rights that have lapsed. This County/State relationship is an example of what could develop state-wide.

Staff provided technical and policy guidance or coordinated such on matters pertaining to in stream flows, water quality TMDLs, and salmon habitat restoration work.

River Basin Characterization

The watershed characterization project continued to focus on integrating landscape-scale assessment of ecosystem processes into technical guidance for the Shoreline Management

Rule. This included technical participation in the Guidance and Outreach Assistance Team to provide assistance to local jurisdictions in applying the concepts during the inventory and submittal stage of Shoreline planning. Additionally, staff participated in an effort to apply watershed planning principals to a wetland restoration effort in the Drayton Harbor drainage. Work has begun on developing guidance materials on the integration of the concepts into other activities in the SEA Program, including Floodplain Planning, Watershed Planning, watershed assessment, wetland restoration and SEA Program regulatory activities (section 404/401 permits, shoreline permits).

Coastal Nonpoint Septic Education

During this reporting period, efforts were made toward setting up three more septic educator workshops for the winter and spring. Presenters were confirmed, locations were reserved, and a draft agenda was created.

The Secrets of a Successful Septic Education Program, Part II will be offered to agencies and organizations involved in educating homeowners about the care and maintenance of their on-site septic systems. The first workshop will be held in Mount Vernon on February 21. The second in Olympia on March 14, and the third in Port Angeles on May 23.

State Of Washington
Department Of Ecology
Shorelands and Environmental Assistance Program

Coastal Zone Management
Section 306, 306A, 309 and 6217 Grant

Federal Fiscal Year 2001
Grant Award No. NA17OZ1143

Section “B”

Semiannual Report
For the period July 1, 2001 through December 31, 2001

1 ST Semi-Annual Report

January 2002

Table 1. Shoreline Permits — July 1, 2001- December 31, 2001

County	Region	SDPs ¹	CUPs ²	VARs	CUPs Denied ³	VARs Denied	Total Projects ⁴
Island	NW	12	03	0	0	0	12
King	NW	55	02	05	0	0	62
Kitsap	NW	05	01	0	0	0	05
San Juan	NW	11	01	04	0	0	14
Skagit	NW	13	02	03	0	0	15
Snohomish	NW	23	03	0	0	0	23
Whatcom	NW	26	10	07	0	0	34
Clallam	SW	02	0	0	0	0	02
Grays Harbor	SW	16	05	01	0	1	01
Jefferson	SW	03	03	0	0	0	03
Mason	SW	07	05	01	0	0	08
Pacific	SW	09	01	02	0	1	11
Pierce	SW	33	10	07	0	0	36
Thurston	SW	04	01	01	0	0	04
Wahkiakum	SW	01	02	01	0	0	03
TOTAL		220	49	32	0	2	248

¹ Substantial Development Permits² Conditional Use Permits³ Variances⁴ Total permitted projects (NOTE: Some projects have multiple shoreline permits)

Table 2. Shorelines Hearings Board Cases

Ecology as Respondent	11
Ecology as Appellant	01
Ecology not a Party	06
Total Appeals	18

Table 3. Shoreline Enforcement Actions

Formal Enforcement Actions	Notice of Correction	Orders to Restore or Abate	Penalties Issued	Totals For Reporting Period
Joint State and Local Government		0		0
State (Ecology)	3	1	1	5

Table 4. Shoreline Master Program Amendments

Approved	Approved with Conditions	Denied	Pending
1	2	0	18

Table 6. Federal Licenses and Permits - Section 307(C)

Federal Permitting Agency	Type Of Permit	Number of Concurrences	Non - Compliance W/ST Program	Pending State Approval	Pending State/Local Review	Review Time	Court Cases	Permits Received	Average Process Time
ACOE	S404/NWP	146	0	45			0		180 days
FERC									

Table 7. Federal Assistance to State and Local Governments - Section 307(D)

Federal Agency	Type of Assistance	Number of Applications	Number of Concurrences	Insufficient Information	Inconsistent with State	Concurrence After Modifications	Total Pending	Total Received	Average Processing Time
Rural Development	Community Assistance	10	10				0	10	35 days

Table 8 SEPA Documents Received and Reviewed

8,025	TOTAL Documents Received Statewide
	Documents Received Per CZM County
180	Clallam
207	Grays Harbor
210	Island
65	Jefferson
1,586	King
263	Kitsap
137	Mason
59	Pacific
688	Pierce
72	San Juan
275	Skagit
890	Snohomish
372	Thurston
18	Wahkiakum
377	Whatcom
5,399	TOTAL Coastal Counties

Coastal Zone Management

Washington State Department of Ecology

Local Government Grants – Semi-Annual Progress Report

Reporting Period (7/1/2001 – 12/31/2001)

FFY 01

Recipient	Type	Project Officer	Comments
Blaine, City of Water Access / Habitat Preservation: North shoreline of Marine Drive Extension	CZM 306 G0200068	Barry Wenger Start: 7/1/01 End: 6/30/02	The project has been divided into three sub-projects; Marine Boardwalk, Public Access and Wildlife Protection. Staff is currently collecting information about other similar marine boardwalk projects and assessing costs and timetables. One of the issues that emerged from this task is the possible tie-in with planned improvements to Marine Drive. The Public Access Committee has completed a fairly extensive literature review. Anne Eissinger (Nahkeeta Northwest) has been hired to assist in wildlife inventory work and to help prepare a protection plan. The Wildlife Committee has done some literature review. The Public Works Department has prepared a baseline map with shoreline and built systems data. The GIS based map will to be used for inventory purposes. Inventory is proceeding forward, however, we have found historical surveys difficult to find and inventory work is still ongoing. Together the GIS map and related inventory data will be updated and improved upon until the projects have been completed.
Clallam County Nearshore and Marine Outreach	CZM 306 G0200073	Cynthia Nelson Start: 7/1/01 End: 6/30/02	Inside layout art is well on its way, text is in development. Some initial discussion has taken place with the WRIA 18 watershed planning teams.
Everson, City of Supplemental Shoreline Inventory	CZM 306 G0200085	Barry Wenger Start 9/1/01 End: 10/1/02	The city staff and consultant have been coordinating with the county ESA coordinator and the local tribal entities to compile a comprehensive baseline of fish and wildlife data.
Gig Harbor, City of SMP Update	CZM306 G020048	Randy Davis Start 7/1/01 End: 6/30/02	Project is a comprehensive update of the SMP. The recipient has conducted public involvement meetings and is working toward completion of the detailed shoreline inventory.
Island County 2001-2002 Volunteer Training Program, (etc.)	CZM306 G0200036	Alice Schisel Start: 7/1/01 End: 6/30/02	In the past six months, over 80 volunteers contributed more than 5000 hours to Beach Watchers' principal goal of training and supporting volunteers to educate the public about coastal processes and impacts on Puget Sound from human activity in upland areas and marine waters. The annual day of outdoor classes was expanded this year to include Camano Island as

Coastal Zone Management

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FFY 01

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			<p>well as Whidbey, and the name correspondingly changed to Wonders of the Islands. Two sessions (morning and afternoon) were offered, with 7 classes each; there were 126 attendees, a 55% increase over last year. Volunteers from the 2001 Beach Watcher Training created and staffed displays on Water Conservation, Water-wise Gardening and Water Quality (including an interactive Stormwater Runoff Model) at five Farmer's Markets on Whidbey Island during the summer. The same displays were presented at the Beach Watcher booth at Island County Fair in August, which saw 860 visitors.</p> <p>On the research side, great strides were made in digitizing six years of Beach Monitoring data: all beach Profile data records are complete, and they are nearly finished entering the Quadrat data. Thanks to a partnership with the Island County Marine Resources Committee, Beach Watchers now has a coordinator on Camano Island, which has allowed expansion of activities in that long-neglected part of Island County. Together, Beach Watchers and the Island County MRC are focusing a lot of outreach effort this year on education about the importance of near-shore environments and how they are impacted by human activities. They are making a concerted effort to reach shoreline property owners with this information. All these efforts are proceeding on schedule.</p>
Mason County	CZM306	Ann Boeholt	Scope is still in negotiation".
Digital Mapping of Shorelands Parcels	G0200228	Start: End:	

Coastal Zone Management

Washington State Department of Ecology

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Reporting Period (7/1/2001 – 12/31/2001)

FFY 01

Recipient	Type	Project Officer	Comments
Monroe, City of Inventory (only) in preparation for SMP Update	CZM306 G0200041	Alice Schisel Start: 7/1/01 End: 6/30/02	Early on in the process, the City sent a letter to all federal and state agencies with a possible interest in the SMP amendment, encouraging them to appoint a liaison to work with the City. The City's consultant is still gathering information for the shoreline inventory; work on the identifying SMP revisions will begin once the inventory is complete.
Mukilteo, City of SMP Update – Final Phase	CZM 306 G0200090	Alice Schisel Start: 7/1/01 End: 11/30/02	The City has recently submitted an incomplete draft of its proposed SMP to Ecology for our review and comment. During the reporting period, they worked on the draft and on compiling their shoreline inventory. Once agency comments on draft are received, they plan to incorporate that input and put a new draft out for public review.
North Bend, City of SMP Update	CZM 306 G0200104	Marcia Geidel Start: 7/1/01 End: 6/30/02	The City concluded a grant contract with DOE in October. The consultant scope of work, recruitment and selection were completed in November. The consultant contract was completed in December. Data collection and a development of public outreach plan are currently in progress with completion anticipated by January..
Pacific County Involvement in Bio-intensive Spartina control (public outreach / networking)	CZM 306 G0200046	Perry Lund Start: 7/1/01 End: 6/30/02	Through the Columbia Pacific Resources Center, there have been several excellent newsletters produced, public workshops, landowner outreach efforts, and a field trip for public officials, the public, and agencies.
Port Orchard, City of Resource Analysis and Inventory (Sinclair Inlet and Blackjack Creek) Water Quality/Natural Resource Training for Realtors	CZM 306 G0200081	Sandra Lange Start date: 7/1/01 End Date: 6/30/02	The City has contracted with a consultant to develop a scope of work for their shoreline inventory process. Ecology has sent the consultant, Affiliated Environmental, the NMFS Matrix and links to other sites identified as helpful to their process. They are looking at convening a meeting with their new advisory group, the City staff, Ecology Shoreline (Sandra Lange) and GOAT staff, (probably Tim Gates), at the end of January or the first of February.

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Reporting Period (7/1/2001 – 12/31/2001)

FFY 01

Recipient	Type	Project Officer	Comments
Port Townsend, City of SMP Update, Phase 1	CZM 306 G0200034	Randy Davis Start: 7/1/01 End: 11/30/02	Project is Phase I of the comprehensive update of the SMP and involves the preparation of a shoreline inventory and atlas. The recipient has completed the preliminary draft of the shoreline atlas.
Port Townsend, Port of Heritage Campus Public Access	CZM 306 G0200076	Jeff Stewart Start: 7/1/01 End: 11/30/02	Project reportedly on schedule as of 1/21/02. An architect was selected after a state-wide search. Contract expected by February, when design work will commence.
Steilacoom, Town of Marine Outreach Program	CZM306 G0200069	Connie Juneau Start: 7/1/01 End: 11/30/02	City has held initial meetings and has set up a scheduled training program for the Marine Outreach Beach Rangers.
Sultan, City of Osprey Park Pedestrian Bridge Placement	CZM 306A G0200025	Joan Velikanje Start: fed approval End: 6/30/02	Bridge installed; five interpretive signs installed; trail graded. Waiting for submittal of Vegetation Restoration/Monitoring Plan
Sumner, City of Phase 2: SMP Update	CZM306 G0200047	Randy Davis Start: 7/1/01 End: 6/30/02	Phase II is the preparation of a final draft SMP and its review and adoption. The recipient is still pursuing review and comment by federal resource agencies of the inventory and draft SMP prepared under Grant G0100086. No significant progress to date toward accomplishing Grant G0200047
Wahkiakum County SMP Update	CZM306 G0200039	Randy Davis Start: 7/1/01 End: 6/30/02	This project is Phase I of the SMP update and involves the preparation of a shoreline atlas. The recipient is on schedule with the shoreline inventory work. The schedule requires completion of the inventory in April 2002.
Wahkiakum, Port District 2 Columbia River Estuary Dredged Material Management Plan	CZM306 G0200124	Brad Murphy Start: 7/1/01 End: 6/30/02	The Port has begun the collection of documentation and citations for the report they are preparing. A draft report should be completed by the end of January into February. Meetings with the tech group will then take place to get input for final version.

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FFY 01

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Whatcom Council of Governments Phase 2: Birch Bay Shoreline Improvement Plan	CZM306 G0200087	Barry Wenger Start: 7/1/01 End: 6/30/02	Planning shoreline enhancement efforts have been undertaken in concert with the Birch Bay Comprehensive Plan update being sponsored by Whatcom County and several other entities. Key issues have been raised concerning public access, lack of boat launch facilities, undergrounding of utilities, restoring the natural beach berm, and removal of existing concrete structures e.g. groins, bulkheads, etc. Scientific analysis and evaluation of berm restoration is currently being completed.
Whatcom Council of Governments Whatcom County Beachwatch	CZM306 G0200082	Barry Wenger Start: 7/1/01 End: 6/30/02	This project is ahead of schedule having completed training of a large number of volunteers, held field education efforts at seven targeted public beaches, and worked with 750 beach users improving shellfish harvest methods, beach etiquette, and garbage removal. Several workshops are planned for this spring.
Whatcom County Marine Shoreline Land Use Inventory	CZM306 G0200086	Barry Wenger Start: 7/1/01 End: 6/30/02	The county has made excellent progress in compiling existing and new data into an integrated GIS coverage including new aerial photos and a Puget Sound Action Team shorezone inventory. Field truthing of the data sets is planned in the near future

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